vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3570 OF 2004
IN
SUMMARY SUIT NO.3242 OF 2004

Pacific Refractories Ltd. ... Plaintiff

V/s.

Stein Heurtey India Projects Pvt. Ltd. ... Defendant

Mr.O.S. Kutty for Plaintiff
Mr.Virag Tulzapurkar with Mr.A.S. Doctor i/b
Junanrkar & Associates for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 6, 2006**

P.C.:

. The Defendant has taken out Chamber Summons No.1818 of 2004 for revocation of the leave granted under Clause XII of the Letters Patent. This Court by its judgment dated 10.2.2006, made the Chamber Summons absolute in terms of prayer clause (a). This Court has held that the High Court at Calcutta would have jurisdiction and not this Court. The plaint was directed to be returned to the plaintiff to be filed in appropriate Court. Therefore, the present Motion does not survive.

2. However, in the event the plaintiff challenges the order of 10.2.2006 and the order is set aside, the Defendant would have liberty to file a Motion or any appropriate proceedings.

3. Notice of Motion dismissed as infructuous.